

**Applicant:** Rick Quant

**Agent:** Consensus Planning

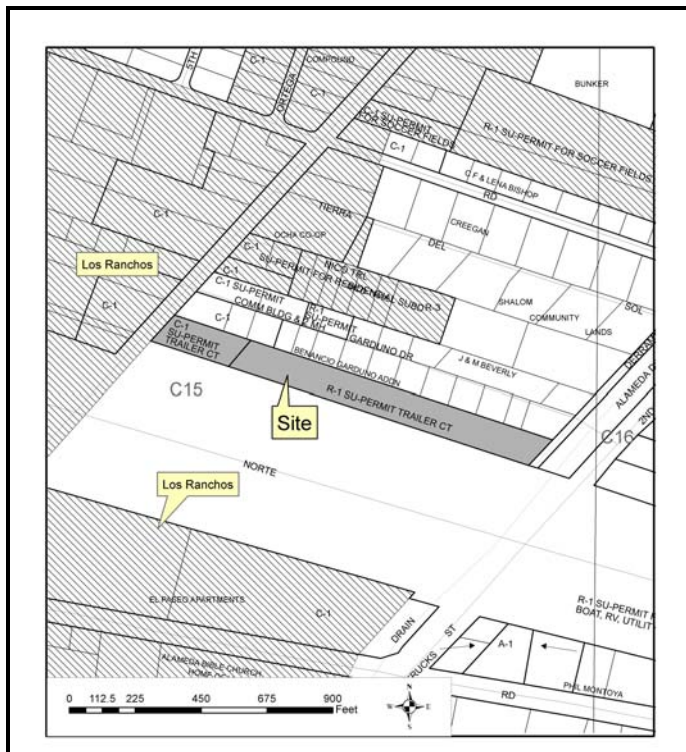
**Location:** 8740 4<sup>th</sup> St. NW

**Property Size:** 3.38 acres (approximately)

**Existing Zone:** R-1 with Special Use Permit for Trailer Court

**Proposed Zoning/SUP** R-1/Special Use Permit for Planned Development Area (Residential)

**Recommendation:** Deferral



**Summary:** This request is for a Special Use Permit for a Planned Development Area on a 2.66 acre property located between Second St. and Fourth St. to the north of Paseo del Norte. The applicant is proposing to develop a 13 lot residential subdivision and keep two existing off-premise signs on it. The property currently has a Special Use Permit for a Trailer Court (CSU-70-108 2). This request was deferred at the July 12, 2006 CPC hearing at the applicant's request.

**Staff Planner:** Catherine VerEecke, Program Planner

**Attachments:**

1. Application
2. Area and Land Use Maps
3. Existing Special Use Permit
4. Letters from neighbors for 7/12/06 hearing
5. Request for deferral for 7/12/06
6. Revised justification
7. Notices of Violation
8. Letter from neighbor for 10/4/06 hearing
9. Revised Site Plan (Commissioners only)

Bernalillo County Departments and other agencies reviewed this application from 5/22/06 to 6/12/06 and from 8/29/06 to 9/11/06. Their comments were used in preparation of this report, and begin on Page 13.

**AGENDA ITEM NO.: 11**  
**County Planning Commission**  
**October 4, 2006**

CSU-60028 Consensus Planning Inc., agent for Rick Quant, requests approval of a Special Use Permit for a Planned Development Area (13 residential lots) on Tract 119A, located at 8740 4<sup>th</sup> Street, on the north side of Paseo del Norte between 2<sup>nd</sup> and 4<sup>th</sup> Street, zone R-1 & C-1 with a Special Use Permit for a Trailer Court, containing approximately 3.38 acres. (C-15) (DEFERRED FROM THE JULY 12, 2006 HEARING)

**AREA CHARACTERISTICS AND ZONING HISTORY**

**Surrounding Zoning & Land Uses**

<b>Site</b>	<b>Zoning</b>	<b>Land use</b>
	C-1/R-1/Special Use Permit for Mobile Home Park and Two Off-Premise Signs.	Mobile Home Park and Two Off-Premise Signs.
<b>North</b>	C-1/ R-1	Restaurant Single family residential
<b>South</b>	Right-of-way	Paseo del Norte
<b>East</b>	Alameda Drain	Alameda Lateral & Second St.
<b>West</b>	Right-of-way C-1	Fourth St. Commercial

**BACKGROUND:**

**The Request**

The applicant is requesting a Special Use Permit for a Planned Development Area on a 2.66 acre property located between Fourth and Second Streets to the immediate north of Paseo del Norte. The request is to develop a 13 lot subdivision and to keep two existing billboard signs on the property. The property is zoned C-1 in the front and R-1 in the rear and consists of one long, narrow parcel about 1300 feet long and 120 feet wide. The property currently has a mobile home park on it.

The Special Use Permit for a Trailer Court was granted in 1970 by the Board of County Commissioners for the life of the use (CSU-70-108 2). The use had been in existence for about 16 years prior to that time. In October 2001, an administrative amendment was granted by the Zoning Administrator to allow two billboards (400 square feet per sign, 30 feet above ground) to be constructed on the site (Attachment 3).

According to the site plan, the trailer court will be removed and replaced by a 13 lot, gated residential subdivision. The application states the billboard signs will remain on the property. The property will include a large open space area fronting Fourth St., 13 detached single family units with shared driveways and additional parking areas, a 24 foot driveway for access with Estate curbing, a landscaped turnaround area in the middle of the site, and a trail to connect to the Alameda Drain to the east. The agent states that the site already includes lush landscaping in the form of large, mainly spruce trees, and elaborate design guidelines will govern the development of the site. The application states that lot sizes in the development will be approximately 5600 square feet with building envelopes of approximately 2200 square feet.

Request justification.

According to the application, the primary motive for this request is the County's requirement for the property to be connected to County/City Water and Sewer. The cost of meeting this requirement has 'caused the property owner to consider redevelopment of the property.'

In the response to Resolution 116-86, the applicant's agent argues that the proposed land use change is appropriate for the property. He states it is in an area of mixed uses that include Gardunos Restaurant and some high density residential uses. It will be beneficial because it will reduce the number of residential units from 32 to 13 and provide amenities and open space that the site is currently lacking. Design guidelines will ensure that it will be a quality development.

Changed neighborhood conditions include the availability of water and sewer service in the area and the resulting hook-up requirements, which will be costly and 'cumbersome' for the existing mobile home court. The applicant is thus seeking to redevelop this property as proposed in this request.

The agent also states that the North Valley Area Plan recognizes the trend in the Alameda Area is for densities of 3-5 dwelling units per acre. He states that there are residential densities nearby the site that are higher than proposed in this request.

### **Surrounding Land Uses and Zoning**

The subject property is located in what is mainly a neighborhood north of Paseo del Norte nearby Fourth St. and Second St. A majority of properties that front Fourth St. have C-1 zoning and behind them are properties with residential uses. Some of this area is currently in the Village of Los Ranchos. Lots to the north of the subject property range from about 6000 to about 10,000 square feet (but further north, residential lots are as large as one acre). Properties with C-1 zoning have both residential and commercial uses. A few of the properties with C-1 zoning have Special Use Permits, for such uses as a Commercial Building (CSU-78-67). On the east side of Second St. is located another mobile home court (CSU-78-89). On the south side of Paseo del Norte, the El Paseo Apartments have been constructed (now in the Village of Los Ranchos).

### **APPLICABLE PLANS AND POLICIES:**

#### **Albuquerque/Bernalillo County Comprehensive Plan**

The site is located in the Rural Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal goal for this area is to “maintain the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.”

Policy 3.a of the Plan (Land Use) states that Rural Areas as shown by the Plan Map shall generally retain their rural character with development consisting primarily of ranches, farms, and single-family homes on large lots; higher density development may occur at appropriate locations – within rural villages or planned communities. Overall gross densities shall not exceed one dwelling unit per acre.

- Rural area density patterns shall be more specifically defined through lower rank plans.

#### **North Valley Area Plan**

The Goals of the North Valley Area Plan include the following:

1. Recognize the North Valley area as a unique and fragile resource and an inestimable and irreplaceable part of the entire metropolitan community.
2. To preserve and enhance the environmental quality of the North Valley by:
  - a. maintaining the rural flavor of the North Valley
  - b. controlling growth and maintaining low density development
  - c. providing a variety of housing opportunities and life styles including different socioeconomic types
  - d. reducing noise level impacts.

Policy 2.2.d (Land Use) of the Plan states that “the County and City shall retain the low density character of the North Valley and that the minimum lot area for R-1 zoned land in the Rural area should be three-quarters of an acre.”

Policy 4.4 of the Plan states that the County and City shall encourage rural standards for development especially within the Semi-Urban and Rural Comprehensive Plan areas of the North Valley.

Policy 2 (Land Use) states 'The City and County shall stabilize residential zoning and land use in the North Valley Area.' This may be accomplished through the following:

- a. Limit the location, duration, and type of new uses allowed by Special Use Permit.
- b. Cancel discontinued Special Use Permits granted where existing conditions of approval are not met and permits that are otherwise in violation of the Zoning Ordinance.
- c. Retain existing County A-1 zoning as the only Rural Agricultural zone intended to provide agricultural activities and spacious development.
- d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.
- e. Retain the low density character of the North Valley.

Policy 7.1 states the City and County shall stabilize land use to protect affordable housing and land presently zoned for housing.

- a. Maintain and expand areas zoned for residential uses including A-1, R-1, M-H
- b. Limit encroachment of non-residential uses into residential areas
- c. Encourage residential zoning of parcels with residential uses.

Policy 7.4 (Housing) states "The County and City shall remove disincentives, provide incentives and/or require housing development which meets the cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs, and design flexibility and creativity."

- b. Amend the County Zoning Ordinance to add cluster principles and to include Cluster Housing as a Special Use.
- c. Provide for densities greater than 1 dwelling unit/acre in Rural and Semi-Urban Areas through adoption of Cluster Housing Principles.

Alameda Sub-Area. The property is located in the Alameda Sub-area of the North Valley Area Plan. This area is predominantly rural, but with a trend toward higher residential density and some non-residential development, particularly nearby Second Street and Fourth Street along Alameda Blvd. and on Fourth Street.

The "Trend Scenario" of the Plan suggests that new zone changes could have the effect of destabilizing residential areas and increasing traffic, and could result in strip commercial streetscape.

Both the "Comprehensive Plan Scenario" and the "Preferred Scenario" of the Plan call for the present zoning pattern to guide future land uses

The plan recommends that new commercial and higher density development occur at village centers to be located at 4<sup>th</sup> Street and Alameda Blvd., and at 2<sup>nd</sup> St. and Alameda Blvd.

## **Bernalillo County Zoning Ordinance**

Resolution 116-86 lists policies for evaluating a Zone Map changes and Special Use Permit applications.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 1. There was an error in the original zone map.
  - 2. Changed neighborhood or community conditions justify a change in land use or
  - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
  - 1. denied due to lack of capital funds; or
  - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or

special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:
1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

Section 18.B.23 (Planned Development Area) states "Planned Development Area, including residential uses or mixed residential and commercial uses provided the minimum development lot area is two acres and the applicant demonstrates the need to vary height, lot area, or setback requirements due to unusual topography, lot configuration, or site features in order to create cluster housing development, preserve visual or physical access to open space or unique site features."

## **ANALYSIS:**

### **Surrounding Land Use and Zoning**

The applicant is requesting a Special Use Permit for a Planned Development Area that will include 13 residential lots each of about 5500 square feet and 2 billboard signs. The underlying zoning is R-1 and C-1, which would allow approximately 4 single family residential dwelling units. (R-1 zoning in the Rural Area allows lot sizes of a minimum of three-quarters of an acre). Thus, under the request, the applicant would be able to more than triple the density of what would be allowed under the underlying zoning.

On the one hand, the area nearby the site includes a variety of lot sizes and a mixture of A-1, C-1, and R-1 zoning and some Special Use Permits for both residential and non-residential uses that might suggest the appropriateness of higher density. In addition, properties to the immediate north of the site have R-1 zoning with small, non-conforming lots

However, there also are a number of low density residential developments near the site with A-1, R-1 or R-3 zoning (Los Ranchos). A number of the properties are between one-half and one acre, while properties in the area are larger than those proposed by the applicant (they generally are between 6000 and 10000 square feet).

Thus, while it may continue residential uses on the property, the proposed density (approximately 6 dwelling units per acre net) is not consistent with the surrounding area, particularly properties with R-1 zoning.

### Plans

The North Valley Area Plan (NVAP) exhibits a strong preference for low density development and maintaining the rural flavor of the North Valley, while at the same time controlling growth (Goal 2). Land use and housing policies throughout the plan seek to achieve these goals. In particular, Cluster Housing is presented as the most appropriate mechanism for increasing density and managing growth while at the same time preserving the rural features of the North Valley. The associated principles include preservation of open land in perpetuity; provision of housing at densities appropriate to the existing zoning and surrounding neighborhoods (following the Guidelines on p. 121 of the Plan); reducing required infrastructure and associated housing costs; and provision of greater flexibility and creativity in design and development of housing.

This request does not comply with the North Valley Area Plan and Comprehensive Plan for the Rural Area that call for new residential development to be low density. This request proposes a development that would exceed the density allowed under R-1 zoning (three-quarter acre lots with a rural appearance) to a development that resembles a more urban subdivision, which is uncharacteristic of this portion of the North Valley. It does not employ policies or principles from the NVAP to justify the change, particularly those incorporating elements of the Rural Area policies or cluster housing which would allow the development to have a higher density than under R-1 zoning.

Applicant's proposal is:

Density	= 6.5 dwelling units per acre (13 single family residences)
Open Spcae	= .4 acre
Residential	=1.9 acre
Lot sizes (apprx).	= 5500 square feet

If the development were to comply with the Cluster Housing Guidelines of the NVAP, the configuration might be as follows:

Density (2.5 du x 2.7 acres)=	2.5 dwelling units per acre (7 single family residences)
Open Space (40% of site)	= 1.1 acres
Residential (40% of site)	= 1.1 acres
Lot sizes (apprx).	= 7,000 square feet

Other Cluster Housing Principles not appearing in the development are 'variation in lot sizes and shape' and 'savings in infrastructure cost'.

In summary, although the NVAP does not mandate adoption of Cluster Housing Principles, this request is for a development that would be relatively urban in nature and not typical of the North Valley and contrary to the goal of the "Rural Area."



## **Zoning Ordinance**

Resolution 116-86. The applicant and his agent argue that this request is consistent with Resolution 116-86 of the Zoning Ordinance. The agent states that “Changed neighborhood conditions” would be a justification for this request, but never explains what these conditions (land use changes) are, with the exception of the availability of municipal water and sewer service. On the contrary, it appears the need for the property to hook up to sewer service is not a change in land use in the area. In addition, contrary to applicant’s argument, only a few land use changes toward higher density residential uses in unincorporated Bernalillo County have occurred in the immediate vicinity of the site since the 1970s to warrant approving this land use change at the present time. Staff notes, however, that the existing small lots nearby the site are original non-conforming tracts that pre-date the current zoning.

Similarly, the justification states that the request is more advantageous to the community because it will remove a mobile home park but does not relate this to the relevant County Plans and policies. It appears instead that the property could be developed under R-1 zoning in a manner that is more consistent with the Area Plan and the area in terms of lot size and uses than is being proposed by the applicant.

Planned Development Area. The agent states has not stated how the development complies with Section 18.B.23 (Planned Development Area). Although variation is requested from nearly all R-1 requirements (lot size, setbacks), no justification for this has been provided.

## **Agency Comments**

County staff have expressed concerns with the proposed development.

County Environmental Health staff has indicated that the property has been in violation for more than five years of State and County regulations for hook-up to water and sewer service. Connections are required regardless of the land use request decision.

County Public Works comments indicate that the proposed site plan requires modifications is not acceptable as configured. The proposed road, which is shown on the site plan at 24 feet must be widened to 32 feet and a road width variance must be submitted and approved. The proposed turnaround in the middle of the site must be moved to the easterly end of the site. The grading and drainage concept appears to be acceptable but approval is required for drainage into the adjacent State Department of Transportation right-of-way.

County Zoning comments state additional information is needed regarding the site plan. This is a request for a Planned Development but information and justification for the variations in density, lot size and lot width appears to be unclear or inadequate. The application lists the two existing billboards as part of the request, but they are not shown in the site plan or included in the justification. Clarification is needed regarding garages and parking. The shared driveways may create an inconsistency with standard parking requirements, as it appears that vehicles will be "stacked" when parked in these areas (ref. Parking Space, Off-Street as defined). Additional information is also needed for accessory structures and uses.

Design guidelines may be useful in generally guiding the development but have limitations as regards enforcement.

### Conclusion

Although there appears to be some justification for residential uses on the subject property, staff is unable to recommend approval of the current request. The applicant has not demonstrated that the existing zoning is inappropriate for the site the property, as the property itself and adjacent and nearby properties to the north have been developed with R-1 uses. Further, no acceptable justification per the specific criteria of Resolution 116-86 has been provided, and it appears that the proposed land use could negatively impact this particular area along Second and Fourth Streets where rural land uses and densities still exist.

Although there appears to be some support for residential development on the subject property, staff has concluded that the proposed development is not acceptable in its current form and that additional work must be done on the development plan before approval of the request can be considered. In particular, issues regarding grading and drainage, access/road, water and sewer availability statement, and density must be addressed, together with the other issues raised in the departmental and agency comments.

The current request, which will more than double the density of the site beyond that allowed under the existing R-1 zoning, does not appear to be justified. No acceptable justification has been provided in relation to the North Valley Area Plan and Comprehensive Plan policies for the Rural Area or for a Planned Development Area. The main amenity for this development are proposed design standards and a landscaped setback, which appear to be insignificant in contrast to the amenities provided under cluster housing or the likes. Since this is a new request, removal of a mobile home court or addressing an existing violation, as stated in the justification, does not justify the urban-type development being proposed. Further, no justification has been provided for keeping the existing billboards on the property. These would appear to be inconsistent with the proposed residential development.

### Analysis Summary

Zoning	
Resolution 116-86	Has not adequately justified the request according to County Plans and policies. Has not demonstrated there are sufficient changed neighborhood conditions to justify the land use change and density.
Requirements	Development would need to comply with PDA area requirements.
Plans	
Comprehensive Plan	Is inconsistent with the Rural Area Designation
Area Plan	Is inconsistent with the Rural Area Designation, particularly policies that support cluster-type housing or low density residential development.

Other Requirements	
Environmental Health	Violations exist due to failure to connect to City/County sewer service. Provide Sewer and Water availability statement and connect.
Public Works	Access/road approval must be revised.
Zoning	Provided additional justification for Planned Development Area and for setbacks, lot sizes, parking, billboards.

### **ADDITIONAL STAFF COMMENTS, OCTOBER 4, 2006**

This request was deferred at the July 12, 2006 CPC hearing at the applicant's request (Attachment 5 – Deferral Request). The request for deferral stated the intent to address comments received in the staff report and to meet again with neighbors and the Alameda North Valley Association, who had recommended deferral or denial of the request (Attachment 6).

The applicant has submitted a revised site plan and justification (Attachment 7 – Revised justification) which attempts to address staff's and the neighbors' comments. A grading and drainage plan is under consideration and the proposed road has been widened in accordance with Public Work's requirements. Access from the site to Fourth St. has been approved by the Village of Los Ranchos. Information on parking and ancillary uses has been provided, and no parking will be allowed in the shared driveways. One of the existing billboards will be moved from the center of the site to near Fourth St. and hours of lighting the billboards will be limited. However, contrary to the neighbors' request for the applicant to move the road to the north side of the property to act as a buffer the agent states that this is not logistically possible. The agent notes that the meeting to discuss the revised plans with the neighbors has yet to occur.

The justification reiterates that proposed density, which has not changed from the previous request, is appropriate. It is consistent with the density of the adjacent subdivision to the north, and there are apartments nearby the site to the south of Paseo del Norte. Also, a portion of the property is zoned C-1, which allows a number of higher intensity uses than the proposed residential development. The applicant states that a PDA is justified for the site due to its long and narrow shape.

Although a number of comments have been addressed, there are still outstanding issues with the site plan. The location and size of the billboards are still unclear and, according to the Zoning Administrator, they do not appear to meet the requirements of the Zoning Ordinance for Off-Premise Signs. In addition, no justification has been provided as to why these signs should be allowed under a Planned Development Area for residential uses, and the presence of C-1 zoning on a portion of the site is moot given that this is a request for new Special Use Permit for the site.

Planning staff notes that information on proposed lot sizes and setbacks is still vague, and it appears the lots are smaller than under the previous request. The justification (e.g., per Resolution 116-86) still lacks needed attention to land use policies in the North Valley Area

Plan (Rural Area, Cluster Housing) and the Comprehensive Plan (Rural Area) that call for new development to be of relatively low density. The proposed density (apparently 3.8 dwelling units per acre) is substantially higher than would be allowed under the existing zoning or under cluster housing. The argument also continues to be that the required connection to sewer service is "the impetus in the owner's decision to consider a change of land use." However, this appears not to be an acceptable justification per Resolution 116-86.

Staff continues to recommend deferral in order that the applicant may address the outstanding concerns of staff.

An adjacent property owner has submitted a letter in opposition to the current request (Attachment 8).

#### **FINDINGS:**

1. This request is for approval of a Special Use Permit for a Planned Development Area (13 residential lots) on Tract 119A, located at 8740 4<sup>th</sup> Street, on the north side of Paseo del Norte between 2<sup>nd</sup> and 4<sup>th</sup> Street, zone R-1 & C-1 with a Special Use Permit for a Trailer Court, containing approximately 3.38 acres.
2. The property is located in the Rural Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
3. The request does not include all necessary information and justification for the development to determine the appropriateness of the proposed land use and residential density in the context of the North Valley Area Plan.

DEFERRAL of CSU-60028, based on the above Findings.

Catherine VerEecke  
Program Planner

## **BERNALILLO COUNTY DEPARTMENT COMMENTS**

### **Building Department:**

There is an open plumbing permit that requires closure as a condition of approval.

### **Environmental Health:**

1. Currently this property, the Blue Spruce Mobile Home Park is in violation of County and State laws regarding failure to connect to sewer.

2. Provide a water and sewer availability statement from the Utility Authority.

3. All on-site septic tanks must be abandoned and the property connect to public sewer at this point in time regardless of this land use decision.

### **Zoning Enforcement Manager:**

Must comply with below listed comments.

There is a current violation (not hooked up to C.O.A Water and sewer) on the property.

### **Note:**

If approved there are two off-premise billboard signs, that would be in violation of distance separation for a residential zone and/or use per the Sign Ordinance.

### **Zoning Administrator**

31/MAY/2006

The Zoning Ordinance allows for a Planned Development Area for residential uses if the subject site is at least 2.0 acres in area. Additionally, certain standards, such as building height, lot area, and/or setbacks, may be varied from the underlying requirements if an applicant can demonstrate that these deviations are necessary and due to unusual topography, lot configuration, or specific site features in order to preserve the visual or physical access to the provided open space.

The 2-acre lot size requirement is met for this proposal, and the written explanation seeks to justify the variation of specific zoning standards based on the argument that the property is unique due to its shape and width. The provided site plan and related material specifically references the following zoning standards:

#### **? Setbacks**

- proposed distances: front yard = 12'; reduced to 5' in "parallel parking zone", rear yard = 19', side yard = 5', and side yard with driveway access = 20'

#### **? Lot size**

- proposed lot area: approximately 5,600 square feet (80' x 70' lots)

#### **? Height**

- proposed height limitation: 26 feet

#### **? Parking**

- proposed minimum number of off-street spaces: 4 per dwelling - 2 inside a provided garage, 2 outside in driveway

#### SITE PLAN COMMENTS

The provided plan appears to supply sufficient detail to convey the scope of the request, but it was noted that the plan does not reflect the existence of 2 billboards currently on the site. If these structures are to be removed upon subsequent approval of this proposal, their lack of notation on the plan is understood. However, without specific reference and proper citing on the plan, the existence of these signs on the property after approval of the request would result in a violation of the SUP.

Additionally, the amount of detail in the "Design Guidelines" portion of the material is helpful to describe the intended goals and objectives of the development, but much of this information appears to be subjective and unenforceable from a land use standpoint. Details concerning interior wall standards, architectural styles, building colors, etc. may be more appropriately placed within a disclaimer statement on a future subdivision request rather than within the site plan portion of the SUP. This may be accomplished by a specific Conditions of Approval relating to a future CDRA request, or the CPC may choose not to address all of these specific issues and allow the developer to consider these matters as restrictive covenants upon the future sale and construction of the lots. Most importantly, it should be noted that if approved, a revised site plan on file with the County becomes the governing document for all of the properties under the permit.

Finally, there are a few issues needing additional clarification. The proposal indicates that garages will be provided for each dwelling and will be "side loaded off the residence", but the provided plan does not show the access from the common driveway to the garage. Additionally, the Design Guidelines state that "turf grasses shall provide complete ground coverage within 1 growing season after installation", but the Landscaping Plan only lists ornamental grasses to be used (Blue Avena Grass and Thread Grass).

#### COMMENTS RELATING TO THE USE

Although the applicant's stated reasoning that the property's size and shape results in its consideration for a PDA as listed in Section 18, it's not clearly understood how these features result in the density proposed for the development, or the preservation of open space or site features. The proposed lot sizes are roughly five times smaller than the 1-acre minimum outlined in the ordinance for this area, and the 5-foot front yard setback distance for homes adjacent to the parallel parking spaces is smaller than any standard setback distance listed within any zone in the County. The parking layout proposed for the shared driveways may create an inconsistency with standard parking requirements, as it appears that vehicles will be "stacked" when parked in these areas (ref. Parking Space, Off-Street as defined).

Additionally, the Design Guidelines reference certain ancillary uses (RV parking) but do not address many of the more frequent related residential activities, such as the placement of storage sheds, swimming pools, and/or accessory structures. Based on the small lots and limited yard areas proposed, these common improvements may not be feasible for future home owners under this SUP without extensive amendments to the permit.

ZA COMMENTS

29/AUG/2006

This matter was deferred from the July CPC meeting.

Additional comments concerning the new written information and site plan:

**SIGNS**

The 2 existing billboards have been properly noted on the plan, and the one located toward the middle portion of the lot is proposed to be moved to the western edge of the site. Although the recent written justification indicates that the sign will be located "on to the commercial zoned property", it should be noted that the granting of a Special Use Permit would eclipse those uses normally allowed within an underlying zone.

However, by comparison with the C-1 regulations concerning off-premise signs, it does not appear that either one of these structures (either the billboard at the east end of the lot, or the one in the middle of the property that is proposed to be relocated to the western end) will meet applicable standards. Specifically, Section 14.B.(19) requires that off-premise signs be set back a minimum of 25 feet from the western, eastern, and southern property lines; and the intent of criterion (f), a required 100-foot separation distance from an occupied residential zone, seems lacking. Additionally, without specific drawings and details of these structures for this current SUP proposal, other standards affecting these signs cannot be considered at this time to ensure compliance with county regulations.

**PARKING/DRIVEWAYS**

Staff still has concerns over how individual property owners will be able to access their garages or driveways from the "common driveway" in order to meet the parking standards. Language necessitating "shared driveway agreements" is unclear, and the prohibition of parking within the common areas would be difficult, if not impossible, to regulate. Additionally, the assumption that parallel parking along the north side of the street helps to meet the off-street parking requirements is erroneous. Some sort of clear illustration or diagram would be helpful to convey the intended use of the common driveway feature, while maintaining compliance with the Zoning Ordinance.

**C-1 ZONING**

Staff disagrees with some of the statements and assumptions made in the written information provided on Page 7 of the recent submittal. It should be noted that the Zoning Ordinance does not consider off-premise signs to be for "residential purposes"; the placement of apartments on the property would require conditional use approval through the public hearing process prior to their construction and use; and apartments or other uses listed within the C-1 zone, such as automotive repair, package liquor stores, and mortuaries, would not be allowed on the site unless approval was granted to for the SUP to specifically allow for that type of use, or the special use is cancelled and the property was to revert back to the underlying zoning.

**CLARIFICATION NEEDED**

Page 6 indicates that language has been added to the design standards which list the Homeowners Association as being the responsible party for the maintenance of all access easements, landscape areas, and water harvesting areas. Staff did not locate this addition on the new information as described.

The design standards have also been modified to include a statement concerning ancillary uses associated with residential development, including sheds, pools and other structures. It should be noted that the proposed 3-foot setback distance for these structures does not correspond to the requirements of the Zoning Ordinance. Section 22.D.2.a. requires that pools be at least 10 feet from a side or rear property line, and Section 22.D.2.e. only allows accessory buildings (detached garages, sheds, gazebos, etc.) to be less than 5 feet from a side or rear property line if the abutting wall of the building is fire-rated to one hour, does not contain a provision for ingress/egress, and the subject building does not have a shared wall with another accessory building.

Fire:

No comments received.

Public Works:

DRAN:

1. This property is encumbered by floodplain.
2. This property is subject to the Bernalillo County Code Chapter 38. Prior to any development of this property a drainage submittal meeting the requirements of this code will be required.
3. A grading and drainage plan submittal that cannot meet the requirements of the Bernalillo Code Chapter 38 will require a revision to this Special Use Permit.
4. Proposed storm water discharge to Paseo Del Norte right-of-way needs permission from the New Mexico Department of Transportation.
5. This property is subject to the National Pollution Discharge Elimination System as required by the Bernalillo County Code Chapter 38 Section 147. A Storm Water Pollution Prevention Plan (SWPPP) is required prior to any development.
6. The grading and drainage of this site, as shown on the plan sheet submitted with this special use permit application, is acceptable in concept. A formal grading and drainage submittal that addresses on site retention and / or discharge to adjacent property under an agreement, is required prior to development.

10/4/06

1. A grading and drainage plan Case # PWDN 60055 has been reviewed with corrections. Resubmittal pending.



2. See previous comments. No further comment.

DRE:

1. At its narrowest, the access easement width needs to accommodate a road 28 feet wide, barrier curb face to barrier curb face, a four foot sidewalk on the north side and necessary drainage facilities. Where "On street parallel parking" is shown, the access easement width must accommodate a road 32 feet wide, barrier curb face to barrier curb face, a four foot sidewalk on the north side and necessary drainage facilities. If the access easement is less than 40 feet wide a variance request shall be required by Bernalillo County Public Works Division. No parking shall be allowed along the south edge of road.

2. A turnaround meeting County Street Standards is required at the east end of the proposed access easement.

3. A shared driveway agreement and some form of recognizable durable driveway separation are required for all shared driveways.

4. The Homeowners Association is responsible for the maintenance of the landscape buffer easement and water harvesting area.

10/04/06

1. This revised site plan partially addresses the previous Public Works Infrastructure comment No. 1 with the following portion still applicable, "If the access easement is less than 40 feet wide a variance request shall be required by Bernalillo County Public Works Division. No parking shall be allowed along the south edge of road."

2. The turnaround at the east end of the proposed access easement is acceptable to Public Works with documented approval of the Fire Department.

3. A shared driveway easement is required for all shared driveways.

Parks & Recreation:

REVIEWED, NO ADVERSE COMMENT.

Sheriff's:

No comment received

**COMMENTS FROM OTHER AGENCIES**

MRGCOG:

No comments.

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AMAFCA:

No objection to requested action. The applicant should research drainage outfall options. The site may not be allowed free discharge to the NMDOT detention pond.

City Planning Department:

For all cases for the July 15, 2006 CZ and CSU hearing the City of Albuquerque Development Services Division has no adverse comment.

The CABQ Development Services Division has no adverse comments for the CZ and CSU cases for October 4, 2006.

City Public Works:

Transportation Planning: No comments.

Transportation Development: No adverse comments.

Water Resources: No adverse comments. Water/sewer availability was issued in May 06.

City Transit:

The #10 North 4th St route passes the site and has stops just south of Ortega, within walking distance. The site is also close to the planned Rail Runner station and park-and-ride on El Pueblo.

No objection.

City Open Space:

Open Space does not have any comments for projects to be heard July 12, 2006.

NMDOT

Case Number: ZCSU-60028

Case description: Special use permit ? Planned developmental for 13 single family homes

Location: 8740 4th Street NW, Albuquerque

Type of development (Residential/commercial): Residential

Possible Impacted NMDOT roadway(s): None

Departments Comments: The NMDOT has no comments on this case as there are no direct impacts to the state System

October 4, 2006

Case Number: CSU-60028

Case description: Special Use Permit requested

Location: 8740 4th Street, NW, Albuquerque

Type of development (Residential/commercial): Residential Redevelopment

Possible Impact on NMDOT roadway(s): None

Departments Comments: None

COUNTY PLANNING COMMISSION

OCTOBER 4, 2006

CSU-60028

Case Number: CSU-60028

Case description: Special Use Permit for planned development for 13 single family residential lots.

Location: 8740 4th Street, NW, Albuquerque

Type of development (Residential/commercial): Residential

Possible Impacted NMDOT roadway(s): None

Departments Comments: The amount of traffic generated by this development will not have a direct impact on the State roadway system.

Village of Los Ranchos

No comments received.

APS

ZCSU 60028 The owner is proposing to redevelop the existing Blue Spruce Mobile Home Park, which consists of 32 mobile home spaces, into 13 single-family residential lots for site built homes. As of the 40th day of 2005/06 school year, 9 students lived in the mobile home park. The proposed redevelopment project is located within the following attendance areas: Los Ranchos Elementary School, Taylor Middle School, and Valley High School. All three schools have capacity to absorb any student growth from the proposed redevelopment project.

School	2006-07 Projections	2006-07 Capacity	Space Available
Los Ranchos	382	490	108
Taylor	588	782	194
Valley	1,750	2,100	350

**NEIGHBORHOOD ASSOCIATIONS:**

Alameda North Valley Association